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FITZPATRICK CELLA HARPER & SCINTO
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NEW YORK, NY 10104-3800

EXAMINER

HIGGINS, GERARD T

ART UNIT	PAPER NUMBER
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1794

MAIL DATE	DELIVERY MODE
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10/14/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/590,982	Applicant(s) MIMURA, IKUO	
	Examiner GERARD T. HIGGINS	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 7-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 7-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2009 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendment filed 06/26/2009 has been entered. Currently claims 1-3 and 7-9 are pending and claims 4-6 are cancelled.

Drawings

2. The drawings were received on 06/26/2009. These drawings are unacceptable because in Figure 1A the installation substrate is still listed as part number **28** instead of part number **6** as is in Figure 1C; furthermore, the specification amendment filed 06/26/2009 at least at page 16, line 31 to page 18, line 4 is not correct because it still uses the part number **28**, which should be part number **6**. The rest of the changes that have been made to the drawings and the specification are acceptable, and if these amended drawings and specification sections are refilled with the above noted corrections, it will remove any objections to the drawings. The drawings remain objected to as set forth in the previous Office action.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

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4. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

With regard to claim 1, the Examiner does not find support for claiming "said auxiliary substrate being capable of wrapping around the display device" in the specification as originally filed. The Examiner does find support to claim "said auxiliary substrate being capable of wrapping-up the display device."

With regard to claim 1, the Examiner does not find support to claim that the "specular reflective layer is installed **overlapping** said light-reflective resin sheet" in the specification as originally filed. As was set forth by the Examiner in section 5b of the Office action mailed 10/20/2008 and clarified by applicants in their specification amendment filed 01/20/2009, the specular reflective layer is provided "in" or "within" the light-reflective resin sheet. This is also shown in Figures 3 and 4 where the light-reflective resin sheet **4** includes the specular reflective layer **16**. The Examiner would find support to state that the specular reflective layer is "installed in" or "installed within" said light-reflective resin sheet.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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6. Claims 1-3 and 7-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 1, the limitations the auxiliary substrate is capable of "wrapping around" the display device render the claim indefinite, because it is unclear how the auxiliary substrate could wrap around the display device. Wrapping around something would imply enclosing an object within the auxiliary substrate; however, it is clear from the Figures that this is not the case.

Claim 7 recites the limitation "said surface protection layer" in the third and fourth lines of the claim. There is insufficient antecedent basis for this limitation in the claim. The rejection will be withdrawn if the limitation is changed to "said surface-protective layer."

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hingsen-Gehrmann et al. (US 2002/0142121) in view of Yamamoto et al. (US 2002/0036359) and Chirhart et al. (4,919,741).

With regard to claim 1, Hingsen-Gehrmann et al. disclose the tamper-indicating articles, which read on applicants' display device, of Figures 1, 2, and 5.

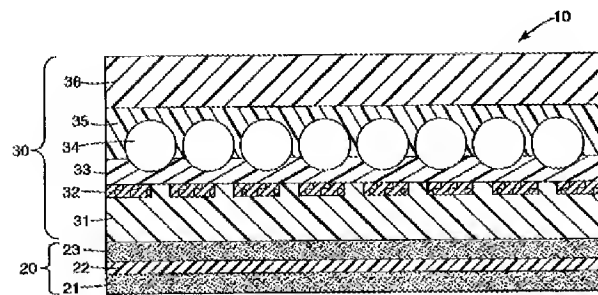


Fig. 1

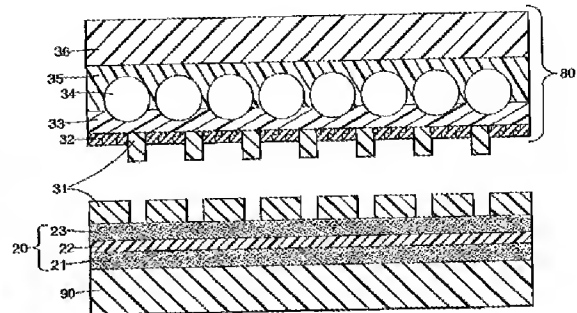


Fig. 2

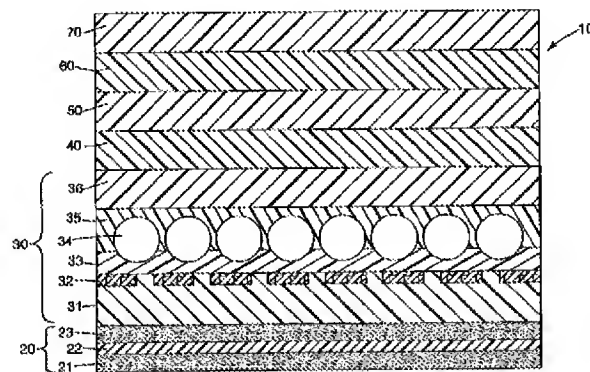


Fig. 5

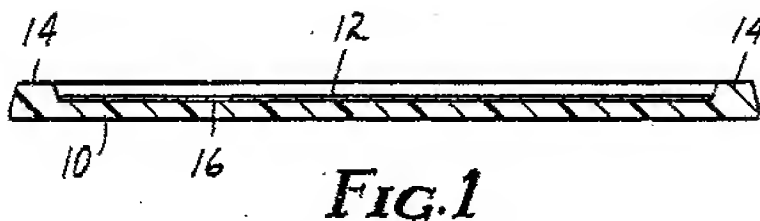
The device is comprised of a top film **70**, which reads on applicants' surface-protective layer, a print layer **60**, which reads on applicants' information display layer, the layers **33** through **36**, which together read on applicants' light-reflective resin sheet, and an adhesive layer **20**, which reads on applicants' substrate adhesive layer [0034]-[0052], [0069] and [0079]. There is a reflective layer **31**, which reads on applicants' specular reflective layer, that is overlapping the light-reflective resin sheet via a release layer **32**, which reads on applicants' destructive layer installed on one side thereof, and the device is installed on an substrate **90**, which reads on either of applicants' auxiliary

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substrate or installation substrate, via the adhesive layer; further, when the device is tampered with it results in the structure seen in Figure 2 [0072]. Hingsen-Gehrmann et al. teach that their release layer is preferably made of polyesters [0059]. There is a destructive effect wherein separation takes place between the release layer and one of the other layers constituting the retroreflective sheet.

The Examiner notes that the present claims are drawn to a display device, wherein the display device does not comprise the auxiliary substrate of the installation substrate. The manner in which the display device is used, i.e. adhered to an auxiliary substrate that is mechanically fixed to an installation substrate, represents intended use limitations that are not dispositive of patentability; however, for the purposes of expediting prosecution, the Examiner notes that Hingsen-Gehrmann et al. fail to disclose an auxiliary substrate having a size larger than the display device so as to be capable of wrapping around the display device, and they also fail to disclose the polymer resins of the destructive layer as claimed.

Chirhart et al. disclose an information plate having retroreflective sheeting of their Figure 1.



The article is comprised of a retroreflective sheeting **12**, which reads on applicants' display device, and plate blank **10**, which read on applicants' auxiliary substrate (col. 3, line 65 to col. 4, line 2). It is clear from the Figure that the auxiliary substrate is a size

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larger than said display device and the auxiliary substrate is capable of wrapping around or wrapping-up said display device. This article is a license plate (col. 1, lines 15-17), which will be installed somewhere on a car, typically a bumper. The fact that a license plate is installed, i.e. mechanically fixed, on a car or a car bumper is intrinsic in the reference and would be known to those of ordinary skill in the art. The car or its bumper would read on applicants' installation substrate.

Since Hingsen-Gehrmann et al. and Chirhart et al. are drawn to display devices including retroreflective elements; it would have been obvious to one having ordinary skill in the art at the time the invention was made to adhere the display device of Hingsen-Gehrmann et al. onto the auxiliary substrate of Chirhart et al. The motivation for doing so would be to provide greater strength and rigidity to the retroreflective sheet (col. 3, lines 60-64).

Yamamoto et al. disclose that resins based on cyclopentane ring residues and polyester resins are exchangeable in optical articles [0025] to [0035]. They state that the residues are known for toughness and transparency, both important qualities for optical articles [0026] and [0033]. The hydrocarbon based residues has a small optical anisotropic effect [0042]. One of ordinary skill would recognize that all of these effects would be crucial in retroreflective display articles.

Since Hingsen-Gehrmann et al. and Yamamoto et al. are both drawn to optical articles; it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute the hydrocarbon based resins such as cyclopentane, norborene, or adamantane of Yamamoto et al. for the polyester based resins of

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Hingsen-Gehrmann et al. The motivation for doing so would be to result in an optical article in excellent transparency, toughness, and small optical anisotropic effects.

9. Claims 2, 3, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hingsen-Gehrmann et al. (US 2002/0142121) in view of Yamamoto et al. (US 2002/0036359) and Chirhart et al. (4,919,741), as applied to claim 1, and further in view of Mimura (WO 02/103629), wherein the national stage application US 2004/0218273 will be used as a direct English translation.

With regard to claims 2 and 3, Hingsen-Gehrmann et al. in view of Yamamoto et al. and Chirhart et al. disclose all of the limitations of applicant's claim 1 in section 8 above, including disclosing glass micro beads in the light-reflective resin sheet **34** [0055]; however they fail to disclose a focusing layer in between a specular reflective layer and said glass micro beads. They also fail to disclose an embodiment wherein the light-reflective resin sheet is a microprismatic retroreflective sheeting layer formed of microprisms and a specular reflective layer installed on the reflective side faces of the microspheres.

Mimura disclose cube-corner prismatic retroreflective elements in a light reflective resin sheet [0028] to [0030]. Mimura also discloses enclosing micro glass beads in a thin film resin layer "for adjusting their focal distance where necessary" [0032]. This reads on applicants' focusing layer.

Since Hingsen-Gehrmann et al. in view of Yamamoto et al. and Chirhart et al., and also Mimura are drawn to display devices using retroreflective sheets; it would have

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been obvious to one having ordinary skill in the art at the time the invention was made to add in a focusing layer as taught by Mimura into the device of Hingsen-Gehrmann et al. such that one could properly tune the focal length to arrive at a display device that would properly reflect light back at the correct angle. It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cube-corner prismatic retroreflective elements of Mimura in place of the glass beads in the light reflective resin sheet of Hingsen-Gehrmann et al. The results of these substitutions would have been predictable to one having ordinary skill; further, the elements are known equivalents and would perform predictably.

With regard to claims 7-9, Hingsen-Gehrmann et al. in view of Yamamoto et al. and Chirhart et al. disclose all of the limitations of applicant's claims 1 in section 13 above; however, they fail to disclose the RFID communication device and antenna installed on the back of the display device; specifically, wherein a section of the specular reflective layer is removed in order to install said RFID communication device and antenna. They also fail to disclose a situation wherein the specular reflective layer is partially installed in order to form the communication device.

Mimura disclose a RFID communication device with an antenna attached to the back of the display device at [0102] to [0109]; further, they disclose removing a portion of the specular reflective layer in order to improve the sensitivity of the antenna/communication device [0108] to [0109]. Mimura also discloses a situation wherein the specular reflective layer is formed as the antenna itself [0107].

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Hingsen-Gehrmann et al., Yamamoto et al., Chirhart et al., and Mimura are all drawn to optical display media; it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine in the RFID communication device onto the back of the display device of Hingsen-Gehrmann et al. in view of Yamamoto et al. and Chirhart et al. The results would have been completely predictable to one having ordinary skill; specifically, it would prevent identity thefts, wherein thieves use the RFID to pay tolls illegally.

With regard to the intended use limitation in claim 9 that "when the display device is peeled off from the installation substrate, the specular reflective layer is broken and loses its antenna function," intended use limitations are not dispositive of patentability. The device of Hingsen-Gehrmann et al. in view of Yamamoto et al. and Chirhart et al. and further in view of Mimura disclose a display device identical to that claimed, and therefore the Examiner deems it capable of performing the intended use.

Double Patenting

10. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

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A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-3 and 7-9 are directed to an invention not patentably distinct from claims 1-5 and 8-10 of commonly assigned Application No. 10/569,869. Specifically, see section 18 below.

The U.S. Patent and Trademark Office normally will not institute an interference between applications or a patent and an application of common ownership (see MPEP Chapter 2300). Commonly assigned Application No. 10/569,869, discussed above, would form the basis for a rejection of the noted claims under 35 U.S.C. 103(a) if the commonly assigned case qualifies as prior art under 35 U.S.C. 102(e), (f) or (g) and the conflicting inventions were not commonly owned at the time the invention in this application was made. In order for the examiner to resolve this issue, the assignee can, under 35 U.S.C. 103(c) and 37 CFR 1.78(c), either show that the conflicting inventions were commonly owned at the time the invention in this application was made, or name the prior inventor of the conflicting subject matter.

A showing that the inventions were commonly owned at the time the invention in this application was made will preclude a rejection under 35 U.S.C. 103(a) based upon the commonly assigned case as a reference under 35 U.S.C. 102(f) or (g), or 35 U.S.C. 102(e) for applications pending on or after December 10, 2004.

11. Claims 1-3 and 7-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-5 and 8-10 of copending Application No. 10/569,869 in view of Chirhart et al. (4,919,741) and Mimura (WO 02/103629).

Although the conflicting claims are not identical, they are not patentably distinct from each other because they are both related to a retroreflective sheeting that is comprised of a surface protective layer (surface layer), a substrate-adhesive layer (adhesive layer), and a light-reflective resin sheet (retroreflective element layer). The destructive layer is installed in between the specular reflective layer (see copending claim 10) and micro glass beads (focusing layer) of the retroreflective element. The resins that comprise the destructive layer overlap. When the device is peeled from a substrate it will peel such that the specular reflective layer remains on the substrate; however, the copending application fails to disclose the device is useful as a display device or a number plate, an information display layer, an auxiliary substrate, an installation substrate, a microprismatic retroreflective sheeting layer formed of microprisms, and the RFID structure of pending claim 7-9.

Applicant's attention is drawn to MPEP 804 where it is disclosed that "the specification can always be used as a dictionary to learn the meaning of a term in a patent claim." *In re Boylan*, 392 F.2d 1017, 157 USPQ 370 (CCPA 1968). Further, those portions of the specification which provide support for the patent claims may also be examined and considered when addressing the issue of whether a claim in an

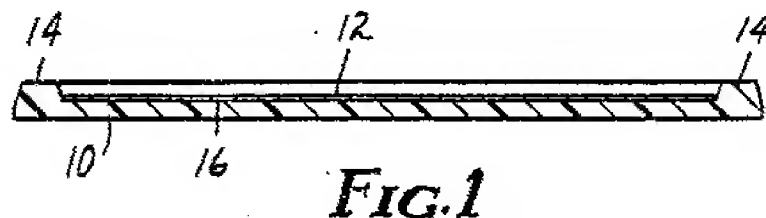
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application defines an obvious variation of an invention claimed in the patent.

(underlining added by examiner for emphasis) *In re Vogel*, 422 F.2d 438,164 USPQ 619,622 (CCPA 1970).

Consistent with the above underlined portion of the MPEP citation, attention is drawn to page 1, lines 21-27 of the specification of copending Application No. 10/569869 which discloses that the retroreflective sheeting is useful as traffic signs or a number plate, which reads on the presently claimed display device. Additionally, on page 6, lines 29-32 there is a disclosed a printed layer that reads on the presently claimed information display layer; therefore, it would have been obvious to one of ordinary skill in the art to make the copending retroreflective sheeting into a display device or number plate, including an information display layer as presently claimed. The motivation for including these is that retroreflective elements are ubiquitous in the field of road signage because they are seen at long distances; further, indicia in such retroreflective display elements would provide information that was also seen at long distances.

Chirhart et al. disclose an information plate having retroreflective sheeting of their Figure 1.



The article is comprised of a retroreflective sheeting **12**, which reads on applicants' display device, and plate blank **10**, which read on applicants' auxiliary substrate (col. 3,

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line 65 to col. 4, line 2). It is clear from the Figure that the auxiliary substrate is a size larger than said display device and the auxiliary substrate is capable of wrapping around or wrapping-up said display device. This article is a license plate (col. 1, lines 15-17), which will be installed somewhere on a car, typically a bumper. The fact that a license plate is installed on a car or a car bumper is intrinsic in the reference and would be known to those of ordinary skill in the art. The car or its bumper would read on applicants' installation substrate.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to adhere the retroreflective sheeting of the copending claims onto the auxiliary substrate and installation substrate as taught by Chirhart et al. The motivation for doing so would be to provide greater strength and rigidity to the retroreflective sheet (col. 3, lines 60-64).

Mimura disclose cube-corner prismatic retroreflective elements in a light reflective resin sheet [0028] to [0030].

Mimura disclose a RFID communication device with an antenna attached to the back of the display device at [0102] to [0109]; further, they disclose removing a portion of the specular reflective layer in order to improve the sensitivity of the antenna/communication device [0108] to [0109]. Mimura also discloses a situation wherein the specular reflective layer is formed as the antenna itself [0107].

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use the cube-corner prismatic retroreflective elements of Mimura in place of the glass beads in the light reflective resin sheet of the pending claims. The

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results of these substitutions would have been predictable to one having ordinary skill; further, the elements are known equivalents and would perform predictably.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine in the RFID communication device onto the back of the display device of the pending claims. The results would have been completely predictable to one having ordinary skill; specifically, it would prevent identity thefts, wherein thieves use the RFID to pay tolls illegally.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

12. Claims 1-3 and 7-9 are provisionally rejected under 35 U.S.C. 103(a) as being obvious over copending Application No. 10/569,869 in view of Shimizu (JP 10-055147) and Mimura (WO 02/103629), which has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the copending application, it would constitute prior art under 35 U.S.C. 102(e) if published or patented. This provisional rejection under 35 U.S.C. 103(a) is based upon a presumption of future publication or patenting of the conflicting application. Please see section 11 above for the rationale behind this rejection.

This provisional rejection might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the copending application was derived from the inventor of this application and is thus not the invention "by another," or by a showing of a date of invention for the instant application prior to the effective U.S.

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filing date of the copending application under 37 CFR 1.131. This rejection might also be overcome by showing that the copending application is disqualified under 35 U.S.C. 103(c) as prior art in a rejection under 35 U.S.C. 103(a). See MPEP § 706.02(I)(1) and § 706.02(I)(2).

Terminal Disclaimer

13. The terminal disclaimer filed on 06/26/2009 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of Application No. 10/569869 has been reviewed and is NOT accepted.

14. The terminal disclaimer does not comply with 37 CFR 1.321(b) and/or (c) because:

The person who has signed the disclaimer has not stated the extent of his/her interest, or the business entity's interest, in the application/patent. See 37 CFR 1.321(b)(3).

In the first paragraph of the terminal disclaimer, applicants set forth the "assignee of the full title and interest" of the current application; however, the word "full" should be "entire."

Response to Arguments

15. Applicant's arguments, see Remarks, filed 06/26/2009, with respect to the objection to claim 1, the rejection of claims 2 and 7-9 under 35 U.S.C. 112, first paragraph, and the rejection of claims 2 and 8 under 35 U.S.C. 112, second paragraph have been fully considered and are persuasive. The relevant objections/rejections have been withdrawn.

16. Applicant's arguments filed 06/26/2009 have been fully considered but they are not persuasive.

Applicants argue that the term "micro" is a term of art as seen in claims of various patents.

With regard to the term "micro" being present in various existing US Patents, it has been held that "it is immaterial whether similar claims have been allowed in another application", *In re Giolito and Hofmann*, 188 USPQ 645. The claims allowed in other applications have no direct bearing on the present claims.

Applicants argue that the provisional rejection under 35 USC 103(a) over Application No. 10/569869 in view of Shimizu (JP 10-055147) has been overcome by the statement of common ownership on page 13 of the Remarks.

The Examiner notes that the statement of common ownership is ineffective because the statement needs to state the following: "Application No. 10/569869 and the current application were, at the time the *current* invention was made, owned by or subject to an obligation of assignment to, the same person." Applicants' statement does not recite that the applications were commonly owned "at the time the current invention was made," which is why the statement is ineffective.

The terminal disclaimer filed 06/26/2009 has not been entered for the reasons set forth in sections 16 and 17 above. As such the provisional double patenting rejections remain.

Applicants argue that the newly added limitations of claim 1 define the invention over the prior art.

First, the Examiner notes that applicants appear to be arguing intended use limitations. The present claims are drawn to a display device. The display device includes "a surface-protective layer, an information display layer, a light-reflective resin sheet and a substrate-adhesive layer." The display device does not comprise the auxiliary substrate or the installation substrate, and therefore the limitations concerning these substrates are intended use limitations. Intended use limitations are not dispositive of patentability; further, the Examiner deems that the display device of the prior art can intrinsically perform all of the intended use limitations recited in the present claims.

Having said this, in an effort to expedite prosecution, the Examiner has specifically taught these newly added intended use limitations using the Chirhart et al. reference. The Examiner maintains that the combination of the prior art renders obvious applicants' claimed invention.

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The Examiner has cited a design example D437,816 of a license plate holder, which would be used to hold a license plate. This could also read on applicants' installation substrate or auxiliary substrate.

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18. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GERARD T. HIGGINS whose telephone number is (571)270-3467. The examiner can normally be reached on M-Th 10am-8pm est. (Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Ruthkosky can be reached on 571-272-1291. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mark Ruthkosky/
Supervisory Patent Examiner, Art Unit 1794

GERARD T. HIGGINS
Examiner
Art Unit 1794

/G. T. H./
Examiner, Art Unit 1794